

EMERGENCY RESPONSE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies provisions of the Emergency Management Act.

Highlighted Provisions:

This bill:

- defines terms;
- modifies provisions related to the State Disaster Recovery Restricted Account;
- provides that the Division of Emergency Management may enter into an agreement with an entity to operate an emergency response team;
- describes the purposes for which an emergency response team member is considered an employee of the division; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-2a-603, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

ENACTS:

53-2a-1501, Utah Code Annotated 1953

53-2a-1502, Utah Code Annotated 1953

53-2a-1503, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-2a-603** is amended to read:

53-2a-603. State Disaster Recovery Restricted Account.

(1) (a) There is created a restricted account in the General Fund known as the "State

33 Disaster Recovery Restricted Account."

34 (b) The disaster recovery account consists of:

35 (i) money deposited into the disaster recovery account in accordance with Section
36 63J-1-314;

37 (ii) money appropriated to the disaster recovery account by the Legislature; and

38 (iii) any other public or private money received by the division that is:

39 (A) given to the division for purposes consistent with this section; and

40 (B) deposited into the disaster recovery account at the request of:

41 (I) the division; or

42 (II) the person or entity giving the money.

43 (c) The Division of Finance shall deposit interest or other earnings derived from
44 investment of account money into the General Fund.

45 (2) Subject to being appropriated by the Legislature, money in the disaster recovery
46 account may only be expended or committed to be expended as follows:

47 (a) (i) subject to Section 53-2a-606, in any fiscal year the division may expend or
48 commit to expend an amount that does not exceed \$500,000, in accordance with Section
49 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared
50 disaster;

51 (ii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit
52 to expend an amount that exceeds \$500,000, but does not exceed \$3,000,000, in accordance
53 with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to
54 a declared disaster if the division:

55 (A) before making the expenditure or commitment to expend, obtains approval for the
56 expenditure or commitment to expend from the governor;

57 (B) subject to Subsection (5), provides written notice of the expenditure or
58 commitment to expend to the speaker of the House of Representatives, the president of the
59 Senate, the Division of Finance, the Executive Offices and Criminal Justice Appropriations
60 Subcommittee, the Legislative Management Committee, and the Office of the Legislative
61 Fiscal Analyst no later than 72 hours after making the expenditure or commitment to expend;
62 and

63 (C) makes the report required by Subsection 53-2a-606(2);

(iii) subject to Section 53-2a-606, in any fiscal year the division may expend or commit to expend an amount that exceeds \$3,000,000, but does not exceed \$5,000,000, in accordance with Section 53-2a-604, to fund costs to the state of emergency disaster services in response to a declared disaster if, before making the expenditure or commitment to expend, the division:

(A) obtains approval for the expenditure or commitment to expend from the governor; and

(B) submits the expenditure or commitment to expend to the Executive Appropriations Committee in accordance with Subsection 53-2a-606(3); and

(iv) in any fiscal year the division may expend or commit to expend an amount that does not exceed [~~\$150,000~~] \$500,000 to fund expenses incurred by the National Guard if:

(A) in accordance with Section 39-1-5, the governor orders into active service the National Guard in response to a declared disaster; and

(B) the money is not used for expenses that qualify for payment as emergency disaster services;

(b) money not described in Subsections (2)(a)(i), (ii), and (iii) may be expended or committed to be expended to fund costs to the state directly related to a declared disaster that are not costs related to:

(i) emergency disaster services;

(ii) emergency preparedness; or

(iii) notwithstanding whether a county participates in the Wildland Fire Suppression Fund created in Section 65A-8-204, any fire suppression or presuppression costs that may be paid for from the Wildland Fire Suppression Fund if the county participates in the Wildland Fire Suppression Fund;

(c) to fund the Local Government Emergency Response Loan Fund created in Section 53-2a-607;

(d) the division may provide advanced funding from the disaster recovery account to recognized agents of the state when:

(i) Utah has agreed, through the division, to enact the Emergency Management Assistance Compact with another member state that has requested assistance during a declared disaster;

(ii) Utah agrees to provide resources to the requesting member state;

(iii) the agent of the state who represents the requested resource has no other funding source available at the time of the Emergency Management Assistance Compact request; and

(iv) the disaster recovery account has a balance of funds available to be utilized while maintaining a minimum balance of [~~\$10,000,000;~~] \$5,000,000; and

~~[(e) the division may expend up to \$3,200,000 during fiscal year 2019 to fund operational costs incurred by the division during fiscal year 2019; and]~~

~~[(f)]~~ (e) to fund up to \$500,000 for the governor's emergency appropriations described in Subsection 63J-1-217(4).

(3) All funding provided in advance to an agent of the state and subsequently reimbursed shall be credited to the account.

(4) The state treasurer shall invest money in the disaster recovery account according to Title 51, Chapter 7, State Money Management Act.

(5) (a) Except as provided in Subsections (1) and (2), the money in the disaster recovery account may not be diverted, appropriated, expended, or committed to be expended for a purpose that is not listed in this section.

(b) Notwithstanding Section 63J-1-410, the Legislature may not appropriate money from the disaster recovery account to eliminate or otherwise reduce an operating deficit if the money appropriated from the disaster recovery account is expended or committed to be expended for a purpose other than one listed in this section.

(c) The Legislature may not amend the purposes for which money in the disaster recovery account may be expended or committed to be expended except by the affirmative vote of two-thirds of all the members elected to each house.

(6) The division:

(a) shall provide the notice required by Subsection (2)(a)(ii) using the best available method under the circumstances as determined by the division; and

(b) may provide the notice required by Subsection (2)(a)(ii) in electronic format.

Section 2. Section **53-2a-1501** is enacted to read:

53-2a-1501. Definitions.

(1) "Emergency response team" means a group of emergency responders placed at the direction, control, and funding of the division, in accordance with an agreement between the division and a sponsoring agency and the provisions of this part, in response to or in

126 anticipation of a disaster, emergency, or special security event.

127 (2) "Emergency response team member" means an individual who is:

128 (a) a member of an emergency response team; and

129 (b) acting within the course and scope of the individual's duties for an emergency
130 response team.

131 (3) "Sponsoring agency" means an entity that executes a memorandum of

132 understanding with the United States Department of Homeland Security to organize a National

133 Urban Search and Rescue Response System task force as described in 44 C.F.R. Part 208.

134 Section 3. Section **53-2a-1502** is enacted to read:

135 **53-2a-1502. Emergency response team agreement -- Creation.**

136 (1) The division may enter into an agreement with a sponsoring agency to establish
137 terms and conditions that apply to an emergency response team.

138 (2) If the division enters into an agreement described in Subsection (1), the agreement
139 shall allow the division to reimburse the sponsoring agency for costs related to the operation of
140 an emergency response team at rates equivalent to those described in 44 C.F.R. Part 208.

141 Section 4. Section **53-2a-1503** is enacted to read:

142 **53-2a-1503. Purposes for which an emergency response team member is**
143 **considered an employee of the division.**

144 An emergency response team member is considered a division employee only for the
145 following purposes:

146 (1) receiving workers' compensation benefits, which shall be the exclusive remedy for
147 any injuries or occupational diseases, as provided under Title 34A, Chapter 2, Workers'
148 Compensation Act, and Title 34A, Chapter 3, Utah Occupational Disease Act;

149 (2) operating a motor vehicle or equipment if the emergency response team member is
150 properly licensed and authorized to do so; and

151 (3) receiving the protection and indemnification normally afforded a division
152 employee.